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5           UNITED STATES DISTRICT COURT  
6           WESTERN DISTRICT OF WASHINGTON  
7           AT SEATTLE

8           DWAYNE KULA, et al.,

9                 Plaintiffs,

10           v.

11           C18-471 TSZ

12           EVERY WATT MATTERS, LLC,  
13           et al.,

14           ORDER

15                 Defendants.

16           By Minute Order entered May 10, 2018, the Court observed that at least one  
17           plaintiff and one defendant in this matter are citizens of the same state and that diversity  
18           jurisdiction does not exist. Minute Order at ¶ 1 (docket no. 55). The Court further noted  
19           that the only federal claim asserted in this matter is brought under the Racketeer  
20           Influenced and Corrupt Organizations provisions of the Organized Crime Control Act of  
21           1970, Pub. L. 91-451 (the “RICO Act”), and directed plaintiffs to file a RICO case  
22           statement. Minute Order at ¶ 2 (docket no. 55). The Court warned plaintiffs that failure  
23           to timely file an adequate RICO case statement might result in dismissal of this case  
without prejudice for lack of subject matter jurisdiction. *Id.* Plaintiffs sought and were  
granted an extension of time to file the requisite RICO case statement. Minute Order

1 (docket no. 63). The June 29, 2018, deadline has now expired, and plaintiffs have not  
2 timely filed a RICO case statement.

3 The Court therefore DISMISSES this action without prejudice for lack of subject  
4 matter jurisdiction. Plaintiffs' RICO claim is DISMISSED without prejudice for failure  
5 to adequately plead such claim and for failure to prosecute. See Fed. R. Civ. P. 8 & 41.  
6 The Court DECLINES to exercise supplemental jurisdiction over the remaining state law  
7 claims. See 28 U.S.C. § 1337(c)(3).

8 The Clerk is DIRECTED to send a copy of this Order to all counsel of record and  
9 to CLOSE this case.

IT IS SO ORDERED.

11 Dated this 3rd day of July, 2018.

Thomas S. Balle

Thomas S. Zilly  
United States District Judge